

High speed rail on track Bay Area alignment chosen as project heads to voters this November

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It's crunch time for high speed rail in California, a project 12 years in the planning that will finally go before voters in November, following a controversial July 9 vote in San Francisco on the system's Bay Area alignment and ongoing political struggles in Sacramento.

As envisioned by project proponents, riders would be able to board the sleek blue-and-gold trains in San Francisco's remodeled Transbay Terminal and travel at speeds of up to 220 mph down the Peninsula, cutting over Pacheco Pass into the Central Valley, and arriving at Union Station in Los Angeles two hours and 38 minutes later — or continuing on to Anaheim and arriving 20 minutes after that.

The \$9.95 billion bond measure, Proposition 1, would cover about a third of the costs for this initial phase (the plan would eventually extend the tracks to run from Sacramento to San Diego), with the balance borne almost equally by the federal government and private investors. With around 100 million passenger trips per year, and LA-SF tickets projected to cost around \$60, fiscal studies show the project will more than pay for itself in less than 20 years, then generate about \$1 billion a year in profits.

Perhaps most important in these times of heightened environmental concern, the system is now proposed to run entirely on renewable energy sources and would use about one-third of the energy of air travel and one-fifth that of driving, eliminating 18 billion pounds of greenhouse gases from the atmosphere and reducing California's oil dependence by 22 million barrels per year.

Yet there are still obstacles that could derail high speed rail, which was set in motion in 1996 by then-state senator Quentin Kopp, a San Franciscan and retired judge who chairs the California High Speed Rail Authority (CHSRA).

Critics of the CHSRA's unanimous vote choosing Pacheco Pass over Altamont Pass are threatening to sue and now have about 30 days to do so. Union Pacific Railroad has complicated the right-of-way acquisition process by claiming it won't allow the project on its property. And Gov. Arnold Schwarzenegger and his allies have been inconsistent in their support for the project (see "Silver bullet train," 04/17/07).

On top of that, legislation to update the six-year-old language of the bond measure, Assembly Bill 3034, appeared at Guardian press time to have fallen short of winning needed support on the Senate floor before the July 15 deadline set by Secretary of State Debra Bowen. And there was a renewed effort by Republican legislators to try to push the bond measure back to 2010.

Yet for all the challenges the project continues to face, the recent hearings in San Francisco demonstrated that there is a consensus emerging among some of the most powerful political players in the state that California is finally ready to catch up to Europe and Asia and start building the first high speed rail system in the United States.

CHSRA met in San Francisco July 8-9 to take public comment and finalize its last critical decision before the November bond measure — selecting the train's route through the Bay Area and making the legal and environmental findings to support that decision. The stakes were high as the board weighed whether to select Pacheco Pass or Altamont Pass as the route from the Bay Area to Central Valley.

CHSRA staff and consultants, along with most Bay Area politicians and civic groups, favored Pacheco Pass, which is the faster and cheaper option, and one that doesn't require a logistically difficult crossing of the San Francisco Bay to reach the Peninsula.

Most environmental groups favored Altamont Pass, which avoids ecologically sensitive Henry Coe State Park and areas where activists feared the rail line might induce urban sprawl or threaten agricultural viability. The conflict seemed intractable just a few months ago, with South Bay politicians threatening to oppose the project if it used Altamont and organizations, including the Sierra Club, threatening litigation if Pacheco was chosen.

But it appears that project proponents have allayed many of the environmentalists' concerns by eliminating a proposed rail station in Los Banos or Avenal and including strong preservation policies in the project.

"We have worked with as many of these individuals as we could to accommodate their concerns," CHSRA executive director Mehdi Morshed said at the hearing, noting that they've done all they could to make changes and still have a sound project. "We can't deal with the dogma. Some people say you must do this or else, and we can't deal with that."

After years of studying the options, Morshed said the choice is clear.

"Pacheco is the appropriate corridor for fast intercity rail service," Morshed told the CHSRA board. "Somewhere along the line, we have to decide we've studied enough and move on, and this is one of those circumstances."

Most of the dozens of people who spoke at the hearing agreed, including Tim Frank, who represented the Sierra Club of California and praised CHSRA staff for addressing most of the group's concerns.

"The opportunity to get people out of cars and out of airplanes and get them into steel wheels running on steel track is very important," Frank said, noting that the project was essential to meeting the state's goals for reducing greenhouse gas emissions.

Yet others are still threatening litigation, among them Oakland attorney Stuart Flashman, who addressed the hearing on behalf of clients that include the Planning and Conservation League, the California Rail Foundation, and the Mountain Lion Foundation. He made a number of technical points about the project's environmental impact reports, such as the use of alignment corridors rather than more specific routes.

"We find your report completely inadequate," Daniel McNamara, project director for the California Rail Foundation (a train users group), told CHSRA.

After the vote didn't go his way, Flashman told the Guardian that the coalition he represents will meet soon to decide what's next. They have 30 days from when the notice of decision was entered July 9 to sue unless the Attorney General's Office waives the statute of limitations. "We're going to be considering what to do now, but litigation is certainly on the table," Flashman said.

Whether filed by this group or another entity, the CHSRA has been working closely with Deputy Attorney General Christine Sproul to create a project that will withstand a legal challenge.

"We wanted to make sure that if and when there is a lawsuit — and there probably will be a lawsuit — that we are capable of defending it," Morshed told the board, noting how Sproul was brought in because of her expertise in environmental law.

Before the authority voted, Sproul explained that the environmental documents are for the overall program to build the project and are therefore not as detailed as the specific project studies that will be performed after CHSRA secures specific property to build on.

"Today, before you is really a broad policy choice," she said.

Sproul also said that the project is likely to proceed even if a lawsuit is filed, noting that getting an injunction to stop the project would require the litigants to secure a bond against losses to the state as it pursues this high-dollar project, "which could be millions."

But recent CHSRA actions have appeased many of the would-be plaintiffs and created a project that was effusively praised by stakeholders.

Mayor Gavin Newsom said San Francisco is "very supportive" of the project and will work to make it a reality. "We stand behind your efforts to bring high speed rail to the state of California," Newsom told CHSRA, later adding, "We need to connect the state to itself."

Newsom said San Francisco International Airport officials support the project. While it might seem to be a competitor, Newsom said high speed rail will take some of the pressure off SFO, which would otherwise experience congestion at problematic levels by 2020. Current plans call for a high speed rail station at SFO, as well as one near Palo Alto.

"We recognize that we need to have competitive modes of transportation," Newsom said. "Our airport is very supportive of this effort, and that's very important."

Board of Supervisors president Aaron Peskin echoed the point, noting that he began his political career as an activist opposed to filling in more of the bay, something an airport expansion would probably require. He told the authority that his board has unanimously endorsed the project.

Jim Lazarus, vice president of the San Francisco Chamber of Commerce, also announced that group's support for the project, telling the authority that Californians have long been ready for high speed rail: "I think the public is ahead of the politicians in Sacramento on this one."

Many of the speakers spoke knowledgeably about high speed rail.

"I've ridden on the Japanese Shinkansen and I can't wait to ride on the first high speed rail system in the United States," said Dean Chu, a commissioner with the Bay Area's Metropolitan Transportation Commission.

"I've been building high speed rail systems for 15 years in Asia and Europe, and I just want to say, 'It's about time'," said Robert Doty, the rail operations manager for Caltrain, who has worked in Germany, England, Taiwan, and China.

Echoing that sentiment was Eugene K. Skoropowski, who also worked on high speed rail projects in Europe before taking his current job as managing director for the Capital Corridor Joint Powers Authority: "It's about time we bring our American firms that have expertise (on building high speed rail systems) back home to work here."

Enthusiastic supporters of the project urged the authority the move quickly.

"We feel a great deal of urgency over this project," said Emily Rusch, a San Francisco-based advocate with the California Public Interest Research Group.

"Everyone I talk to is very excited about the idea," said San Francisco resident Mary Renner. "It's embarrassing that we're so far behind the rest of the world, and I just want to tell you the public is supportive of this project."

"Our priority is to get this thing built and get it built quickly," said Dave Snyder, transportation policy director for the San Francisco Planning and Urban Research Association. "Let's get rolling on high speed rail."

The final step in getting high speed rail ready for the November ballot was to be AB 3034, which sought to update the language and financial oversight provisions of Prop. 1, whose language was written for the election of 2004 before changes in the project.

"I feel good and I'll feel better when AB 3034 is in appropriate condition," Kopp said after the vote on the Bay Area alignment.

Kopp was critical of Sen. Leland Yee for amending the bill to guarantee the bond money went to the San Francisco to Anaheim section, something Yee said he did to protect San Francisco's interests but that Kopp felt hurt the measure's statewide chances. Yet that tiff was overshadowed by the bill's apparent and unexpected failure in the Senate.

Sen. Mike Machado (D-Stockton) was unhappy with the Pacheco choice and decided to oppose the project, meaning that proponents needed three Republican votes to win the two-thirds needed for passage and only Sen. Abel Maldonado (R-Santa Maria) was willing to cross party lines, Capitol sources told the Guardian.

Secretary of State Debra Bowen had set a deadline of July 15 for substituting the new language in Prop. 1, so at Guardian press time it appeared the old language would remain in place, which Kopp said was acceptable and probably wouldn't hurt the project.

Meanwhile, a project opponent, Roy Ashburn (R-Bakersfield), sought to kill Prop. 1 by doing what's known as a "gut and amend" to an unrelated bill, SB 298 by Senate Minority Leader Dave Codgill (R-Modesto), in an attempt to push the bond measure back to 2010.

If he can find the two-thirds vote in both houses — which most sources consider unlikely — it would be the fourth time the bond measure has been delayed. So barring any unusual political deals, the high speed bond measure is still up in November.

If a majority of voters approve Prop. 1, the CHSRA would begin negotiating rights-of-way and working on final technical studies. Construction could begin as early as 2010, although completion could take up to 10 years.

In the meantime, CHSRA unanimously voted to work with regional rail agencies such as BART to create a rail system over Altamont. As Morshed said, "We need to immediately start working on the Altamont corridor and find a solution to that."